

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

WEDNESDAY, THE FIFTEENTH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

WRIT PETITION NO : 22638 of 2004

Between:

P. Narasimha Rao, S/o. Late Koteswara Rao,
Timmasamudram Village Nagauluppalapadu Mandal, Via Santharavuru,
Prakasam District.

..... PETITIONER

AND

- 1 Sri Gorantal Venkanna Trust, Thimmasamudram, Prakasam District,
Rep. by its Executive Officer.
- 2 Regional Joint Commissioner of Endowments, O/o. Hathiramji Matt, Tirupathi,
Chittoor District.
- 3 Commissioner of Endowments Boggulakunta, Tilak Road, Hyderabad.
- 4 M. Sriramulu, Incharge Executive Officer
Sri Gorantla Venkanna Trust, Thimmasamudram, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a Writ, order or direction one in the nature of Writ of Mandamus, declaring the action of the respondent No.1 and 4 in not paying the encashment of Earned leave, salary for 5 months and not extending the 1993 and 1999 P.R.C to the Petitioner inspite of the directions of the 3rd respondent as illegal, void, against to Part III of the Constitution of India and consequentially direct the respondents to pay the petitioner 1993 and 1999 PRC, Leave Encashment of E.L and arrears salary to the petitioner with interest at the rate of 12% per annum from the date of accrual.

Counsel for the Petitioner:MR.N.GURU GOPAL

Counsel for the Respondent Nos 1 and 4.: SMT.N.INDRANI, STANDING

COUNSEL FOR TEMPLES

Counsel for the Respondent Nos. 2 and 3: GOVERNMENT PLEADER FOR ENDOWMENTS

The Court at the stage of admission, made the following :

ORDER:

This writ petition is filed to issue a writ of mandamus declaring the action of the respondent Nos.1&4 in not paying the encashment of Earned leave, salary for five months and not extending the benefit of 1993 and 1999 P.R.C to the petitioner inspite of the directions of 3rd respondent as illegal and void.

The facts are not in dispute.

The learned counsel for the petitioner contended that inspite of the directions given by the Assistant Commissioner of Endowments, 1st respondent-Trust has not taken any action in paying the salaries and also inspite of according permission to the 1st respondent-Trust, it has not been paying the salaries and the benefits of P.R.C of 1993 and 1999 and therefore, she prays to issue a direction to the respondents.

On the other hand, the learned Standing Counsel appearing for the 1st and 4th respondents contended that considering the establishment charges, the 1st and 4th respondents have to take appropriate decision. It is not in dispute that the petitioner is working as ayurvedic compounder, which is being run by the 1st respondent trust from 8.12.1969.

The grievance of the petitioner is that the revision of pay scales for the post of ayurvedic compounder in respect of the years 1993 and 1999 have not been given to him. The Assistant Commissioner of Endowments has accorded permission to the Executive Officer to give P.R.C scales for the years 1993 and 1999 to the petitioner, subject to the condition that the establishment charges are below 30%. Depending on the establishment charges of the 1st respondent-Trust, 1st and 4th respondents have to take appropriate decision.

Therefore, the writ petition is disposed of directing the 1st and 4th respondents to pass appropriate orders in pursuance of the permission accorded by the Assistant Commissioner of Endowments in his letter No.14/38127/2000 dated 30.11.2002. However, if the petitioner is entitled for payment of salary for a period of five months, the same shall have to be paid to him.

15.12.2004

NOTE: Office to furnish copy by tomorrow

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bsv

To

1. The Executive Officer, Sri Gorantal Venkanna Trust, Thimmasamudram,
Prakasam District,
- 2 The Regional Joint Commissioner of Endowments, O/o. Hathiramji Matt,
Tirupathi, Chittoor District.
- 3 The Commissioner of Endowments Boggulakunta, Tilak Road,
Hyderabad.
- 4 The Incharge Executive Officer
Gorantla Venkanna Trust, Thimmasamudram, Prakasam District.
5. 2 CCs to the Government Pleader for Endowments, High Court Buildings,
A.P., Hyderabad (OUT)

6. 2 CD COPIES